

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **MINUTES OF COUNCIL MEETING**

Tuesday, 4th May, 2021

Present:- **Councillors** Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Neil Butters, Vic Clarke, Sue Craig, Paul Crossley, Gerry Curran, Chris Dando, Jess David, Tom Davies, Sally Davis, Douglas Deacon, Winston Duguid, Mark Elliott, Michael Evans, Andrew Furse, Kevin Guy, Alan Hale, Liz Hardman, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Grant Johnson, Dr Kumar, Matt McCabe, Hal MacFie, Ruth Malloy, Paul May, Sarah Moore, Robin Moss, Paul Myers, Michelle O'Doherty, Lisa O'Brien, Bharat Pankhania, June Player, Vic Pritchard, Manda Rigby, Dine Romero, Mark Roper, Richard Samuel, Brian Simmons, Alastair Singleton, Shaun Stephenson-McGall, Karen Walker, Sarah Warren, Karen Warrington, Andy Wait, Chris Watt, Ryan Wills, David Wood and Joanna Wright

Apologies for absence: Councillor Bruce Shearn

### **1 ELECTION OF CHAIR(MAN) 2021/22**

It was proposed by Councillor Paul Myers, seconded by Councillor Richard Samuel, and supported by Councillors Karen Walker and Robin Moss then

**RESOLVED** unanimously that Councillor Lisa O'Brien be elected Chairman of the Council for the Council year 2021/22.

The new Chairman made her declaration and acceptance of office. In her acceptance speech, Councillor O'Brien thanked Councillors for her election and explained that her preferred term of address was Madam Chairman. She acknowledged the coming year would likely to continue to be challenging, and pledged to uphold the integrity of the Council and its meetings to the very best of her ability.

### **2 APPOINTMENT OF VICE-CHAIR(MAN) 2021/22**

It was proposed by Councillor Richard Samuel and seconded by Councillor Paul Myers and then

**RESOLVED** unanimously that Councillor Shaun Stephenson-McGall be elected Vice-Chairman of the Council for the Council year 2021/22.

Councillor Stephenson McGall made his Declaration of Acceptance of Office and thanked the Council for his appointment. He further thanked ex Councillors Ruth Griffiths and Will Sandry who had helped him to enter politics in 1999.

### **3 MINUTES - 25TH MARCH 2021**

On a motion from Councillor Kevin Guy, seconded by Councillor Andy Wait, it was

**RESOLVED** unanimously that the minutes of the meeting of 25<sup>th</sup> March 2021 be confirmed as a correct record, to be signed by Madam Chairman in due course.

#### **4 DECLARATIONS OF INTEREST**

The Monitoring Officer issued a general dispensation for agenda item 11 “Report of the Independent Remuneration panel” to enable members with potential disclosable pecuniary interests in relation to remuneration for their roles as Councillors to take part in the debate and vote. Failure to grant a dispensation would impede the transaction of the business of the meeting.

Councillor Robin Moss declared an ‘other’ interest in relation to statements made at minute numbers 12 and 13 as a family member is applying for EU settled status.

#### **5 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

It was proposed by Councillor Dine Romero, seconded by Councillor Paul Myers, and supported by Councillors Karen Walker and Robin Moss and

**RESOLVED** unanimously that this Council places on record its appreciation of the services performed by Councillor Andy Furse in the office of Chairman of the Council for 2020/21.

Councillor Andy Furse then addressed the Council and thanked Councillors and officers for their support in this unusual year, chaired purely in a virtual setting. He described the various engagements he had been involved in, including Citizenship ceremonies when covid regulations permitted. Councillor Furse concluded by drawing attention to the Shining Light awards, displaying wonderful community spirit from across the area. He concluded with further thanks and wished the new Chair well in her year.

The Chair then informed Council that a message of condolence had been sent to the Queen following the death of the Duke of Edinburgh and she then invited Councillors to join her in observing a minute’s silence.

#### **6 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There were no items of urgent business.

#### **7 ELECTION OF LEADER OF THE COUNCIL**

On a motion from Councillor Richard Samuel, seconded by Councillor Sarah Warren, it was

#### **RESOLVED**

1. That Councillor Kevin Guy be elected as Council Leader until May 2023;
2. To note that all decisions regarding the appointment of Deputy Leaders, Cabinet Members and portfolios, the executive delegation scheme and

frequency of Cabinet meetings are decisions solely for the Leader to make and publicise in due course.

[Notes;

1. A named vote was requested by Councillor Robin Moss, and supported by Councillors Colin Blackburn, Alan Hale, Eleanor Jackson, June Player and Karen Walker.
2. The above resolution was carried on a named vote as set out below;

Councillors voting in favour (35): Councillors Rob Appleyard, Tim Ball, Sarah Bevan, Alison Born, Shelley Bromley, Neil Butters, Sue Craig, Paul Crossley, Gerry Curran, Jess David, Tom Davies, Winston Duguid, Mark Elliott, Andy Furse, Kevin Guy, Joel Hirst, Lucy Hodge, Duncan Hounsell, Dr Kumar, Hal McFie, Ruth Malloy, Matt McCabe, Sarah Moore, Michelle O'Doherty, Bharat Pankhania, Manda Rigby, Dine Romero, Mark Roper, Richard Samuel, Alastair Singleton, Shaun Stephenson-McGall, Andy Wait, Sarah Warren, Ryan Wills and David Wood.

Councillors voting against (8): Councillors Colin Blackburn, Liz Hardman, Shaun Hughes, Eleanor Jackson, Grant Johnson, Robin Moss, June Player and Karen Walker.

Councillors abstaining (13): Councillors Vic Clarke, Sally Davis, Douglas Deacon, Michael Evans, Alan Hale, Paul May, Paul Myers, Lisa O'Brien, Vic Pritchard, Brian Simmons, Karen Warrington, Chris Watt and Joanna Wright.

## 8 APPOINTMENT OF COMMITTEES & PANELS & OTHER ASSOCIATED BUSINESS

Before moving the recommendations, Councillor Kevin Guy paid a debt of gratitude to all staff in responding to the pandemic, and specifically thanked Councillor Dine Romero for steering this response. Councillor Guy then outlined his priorities for the next two years. He also took the opportunity to set out his new Cabinet members and portfolios;

Cllr Richard Samuel Deputy Council Leader (statutory)	Economic Development & Resources
Cllr Sarah Warren Deputy Council Leader	Climate & Sustainable Travel
Cllrs Alison Born & Tom Davies (Job Share)	Adults & Council House Building
Cllr Dine Romero	Children & Young People, Communities & Culture
Cllr David Wood	Neighbourhood Services
Cllr Manda Rigby	Transport
Cllr Tim Ball	Planning

He concluded by moving the recommendations which were seconded by Councillor Paul Myers, and then it was

**RESOLVED** unanimously to

1. Approve the structure for non-executive and regulatory decision making and Policy Development & Scrutiny working (set out in current form in Appendix 1);
2. Accordingly, appoint those bodies with membership, terms of reference and delegated powers as set out in the Constitution;
3. Approve the allocation of seats on those Committees and Panels (such seats to be filled in accordance with the nominations made by the political groups);
4. Appoint to chair each committee and panel those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
5. Authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups;
6. Determine the bodies on which co-opted and independent members are to have seats, as either voting or non-voting members and appoint such members accordingly (current arrangements are set out in Appendix 1);
7. Authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as outlined in section 5 of the report;
8. Note the arrangements for the conduct of Cabinet business, as set out in section 6 of the report, and as outlined by the Leader;
9. Note the activity of the Member Advocates, as set out in Appendix 2;
10. Instruct the Monitoring Officer, in consultation with Group Leaders, to make appointments on non-executive outside bodies and note that the Leader or Cabinet Members will do so for executive outside bodies, where such vacancies arise;
11. Note the calendar of meeting dates that has been prepared up to May 2022 which is available on the Council's website;
12. Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law, and in particular to amend references to job titles within the Constitution, as described in section 9 of the report.

## **9 CONTINGENCY OPTIONS - DECISION MAKING POST MAY 7 2021**

An update report and revised recommendations had been circulated (and added to the online agenda pack) in the light of the High Court declaration that virtual meetings are not formal meetings of councillors after 7<sup>th</sup> May 2021.

On a motion from Councillor Kevin Guy, seconded by Councillor Karen Walker, it was unanimously

**RESOLVED to**

1. Determine to hold Council, Cabinet & all Committee meetings (including scrutiny) in accordance with Appendix A until further review by Council.
2. Authorise the Monitoring Officer to make all necessary amendments to the Constitution to effect the arrangements to hold all meetings in accordance with Appendix A.
3. Agree that these measures will automatically terminate on the coming into force of any regulations which permit remote attendance at meetings of the Council.
4. Agree that all members unable to attend a council meeting for a period greater than six months receive a dispensation further to section 85(1) of the Local Government Act 1972 to 7 November 2021.

**10 REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES**

The Committee considered the report of the independent panel on Members' allowances following their review of the scheme.

Before moving the recommendations, Councillor Richard Samuel thanked the Panel which had been ably led by the Chair - Ronnie Alexander, for their incisive, wide ranging and professional report.

On a motion from Councillor Richard Samuel, seconded by Councillor Kevin Guy, it was

**RESOLVED to**

1. Agree that, for the basic allowance:
  - a. it be set at £8,951;
  - b. it subsumes the homeworking allowance;
  - c. it be index linked (*meaning, the basic allowance and all SRAs be uprated annually on the basis of any headline percentage increase agreed by the National Joint Council (NJC) for Local Government as the pay award for staff on the national pay scale (Green Book) as set out at recommendation 18;*
  - d. the start of incremental increases be delayed until 2022/23, in recognition of the impact of Covid-19 on local residents;
  - e. and, thereafter, in addition to increases due to index linking, be subject to additional annual increases of £750 per annum to be applied in 2023/24, 2024/25, 2025/26 and then a final uplift of £354 in 2026/27.
2. Agree that, for the Special Responsibility allowances (SRA):

- a. They should be limited to no more than 50% of Members;
  - b. The present reduction of 50% of a second SRA be removed so that this is paid in full, so this properly reflects the work undertaken and in particular, the additional performance management responsibilities addressed in the response to the Advisory comments;
  - c. Note the Panel's intention to review the current banding of allowances at an early opportunity;
  - d. The inflationary uprating should apply to all SRAs.
3. The Council Leader's allowance should remain at £32,445 for 2021/22 subject to any inflationary uplift;
  4. The Deputy Leader's allowance should remain at £19,484 for 2021/22 subject to any inflationary uplift;
  5. The Cabinet Members' allowance should remain at £19,484 for 2021/22 subject to any inflationary uplift.
  6. The Chair of the Planning Committee allowance should remain at £14,314 for 2021/22 subject to any inflationary uplift.
  7. The Vice Chair of Planning Committee should receive an allowance of £3,578 for 2021/22 subject to any inflationary uplift;
  8. The Policy Development and Scrutiny Panel Chair's allowance should remain at £7,952 for 2021/22 subject to any inflationary uplift;
  9. The Chair of Licensing Sub Committee's allowance should remain at £5,052 for 2021/22 subject to any inflationary uplift;
  10. The Chair of Avon Pension Fund Committee should remain at £5,052 for 2021/22 subject to any inflationary uplift;
  11. The committee member on the Avon Pension Fund Committee should remain at £3,817 for 2021/22 subject to any inflationary uplift;
  12. Reject the IRP recommendations as noted at recommendation 20.

Reject the proposed change to the Group Leaders allowance in so far as this relates to the Leader of Council but accept the governance element for all minority group leaders and continue to pay the allowance at the rate of £428 per member for all Group leaders for each member of their Group.

13. Agree that Group allowances should no longer form part of the Members' Allowances scheme and the budget should be transferred to the Democratic Services budget head for members' support.
14. Agree that, for the Chair of the Council:

- a. The allowance should remain at £9,543 for 2021/22 subject to any inflationary uplift;
- b. Note that the role of the Chair of Council has been reduced and budget savings taken in respect of this. The role nevertheless has a significant ceremonial function, in particular, for citizenship ceremonies. It is also acknowledged that it is not possible to evaluate the impact of Covid on this role at the present time, therefore;
- c. The role to be evaluated by the IRP and any impact should not be applied until 1<sup>st</sup> April 2022 to ensure the impacts of Covid are discounted.

15. The Vice Chair of Council allowance should remain at £2,418 for 2021/22, subject to any inflationary uplift.

16. For Travel and Subsistence:

- a. Should continue to be paid on the current basis as supported by the list of Approved duties;
- b. The current Approved Duty list should be amended to include attending a parish council when there is an issue of relevance to the work of the Council which is of interest to a Councillor within their ward or of interest and relevance to a Portfolio holder within Bath and North East Somerset Council area.

17. For Dependant Carers' Allowances:

- a. Details should be clarified and promoted (particularly to those considering standing for election);
- b. The current provisions of the Scheme in relation to dependant carers' allowance (including the list of approved duties to which it applies) should remain unchanged;
- c. The maximum allowed to be claimed for any care support should be the Real Living Wage, currently £9.50ph. This figure should be updated annually based on changes to the Real Living Wage. This allowance can be claimed per person per hour for whom care needs to be provided;
- d. The effectiveness of the scheme and level of financial support would be subject to early review by the Panel.

18. The Basic Allowance and all SRAs should be updated annually on the basis of any headline percentage increase agreed by the National Joint Council (NJC) for Local Government as the pay award for staff on the national pay scale (Green Book).

19. The Independent Remuneration Panel be supported to review the Members' Allowances scheme on a regular basis with at least an annual 'health check'.

20. For Multiple Special Responsibility Allowances & Group Leaders allowances;

- a. Note the rationale and comments in support of resolutions 2 and 12;

*It is understood that the impact of the current 50% reduction for a second SRA only impacts Group Leaders.*

*The Council acknowledges and supports the panels' concern to ensure that councillors are properly remunerated for the roles they undertake. The present impact of this rule is that the allowance for managing a political group as group leader is automatically reduced to half if this is a second SRA. The implication of the later recommendation for group leaders to performance manage members receiving an SRA will increase workload for group leaders without recognising the work involved in doing so.*

*Allied to this point is the compounding and therefore disproportionate impact of the proposed changes for the remuneration of Political Group Leaders.*

*No rationale is provided to disapply the Governance element for the Leader other than the explanation that it is assumed that the governance element is already taken account of in the Council Leaders Allowance. However, these roles are entirely different whilst the first is outward facing the second is inward facing but each require considerable time effort and commitment. The panels proposal should not be accepted. In particular, this disproportionately impacts the leader of the largest party with the greatest governance responsibility because of the increased number of members to be managed. This is especially true if the Council accepts the need for performance management of members. Perversely the present proposal does not acknowledge this increase in workload, the impact of not awarding a governance element, or the present effect of a 50% reduction through the receipt of a second SRA. The latter impact equally affects other group leaders.*

*The present custom and practice is for the Leader of Council to forego the Group Leaders allowance to fund the work of other members of the group for assuming responsibilities which do not attract an SRA. The current Liberal Democratic administration intend to follow the example of the 3 previous Leaders of Council in continuing this practice. Accordingly, it is proposed that even if the will of council is not to abolish the reduction for a second SRA that rule should not apply to this allowance.*

## 21. Policy Development and Scrutiny Panels;

- a. Note that scrutiny is an important check and balance and the role of co-ordinating the scrutiny of the Executive should be properly recognised with formal terms of reference for the role;
- b. Agree that the function should be formalised as part of the current scrutiny review and the IRP should be asked to evaluate the role and recommend an appropriate allowance to recognise the time effort and accountability involved in delivering this function. In addition, the delivery of effective scrutiny should not be undermined by the 50% reduction if this is a second SRA.

## 22. Members Performance & Development;

- a. Agree that it is important to ensure that public money is spent appropriately, and performance management is an appropriate means of achieving that outcome;
- b. Agree the introduction of a more formal approach to performance management of elected members, with the understanding this role is predominantly one for the Group Leader.

23. The Foster Panel Allowance should continue to be paid at the current rate until the banding review, detailed in para 3.14 of the officer report, has concluded.

24. Authorise the Monitoring Officer to action the decisions of Council on this revised scheme and respond to the Panel's queries as required.

25. Formally thank the Panel for their work.

*[Notes;*

1. *The above resolution was carried with 3 Councillors voting against, 7 Councillors abstaining and the remaining Councillors voting in favour.]*

## **11 PARENTAL LEAVE POLICY**

The Council considered a report back on 2 aspects of the Parental leave policy which they had asked to be further explored regarding proxy voting and casework options.

On a motion from Councillor Robin Moss, seconded by Councillor Winston Duguid, it was unanimously

### **RESOLVED**

1. Note the position regarding proxy voting;
2. Agree the following indicative steps for when a councillor indicates they intend to take a period of parental leave;

*The Group Leader has a discussion with the councillor to establish;*

- a. *A formal agreement of relevant dates for start and end of period of leave (end date could be amended) and an agreement to notify this and any changes to Democratic Services;*
- b. *Whether the councillor would like to maintain any councillor responsibilities during this period and, if so, which ones;*
- c. *How and how often the councillor would like to be contacted;*
- d. *How they would like their Councillor Contact webpage to be amended regarding contact details;*
- e. *Record keeping arrangements during the period of leave;*

- f. A review and handover of open issues at the start of the period of parental leave;*
- g. Return/settling back in review at the end of the leave (work handover, whether further support is needed)*
- h. Any other relevant considerations including undertaking a risk assessment as required;*
- i. The Group Leader or Political Assistant then communicates the above information to Democratic Services and they jointly agree what is needed. Understandably, each case will be individual, and so a flexible approach will be needed, and the arrangements may need to adapt with circumstances.*
- j. Advice and support will be available from Democratic Services.*

## **12 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

Kari Elizabeth Erickson addressed the Council about the economic livelihood of the Bath community. She suggested various measures to support local businesses and encourage tourism as the city comes out of lockdown. A copy of Ms Erickson's statement is linked to the online minutes. Councillor Kevin Guy asked Ms Erickson if she was aware that one of the new Deputy Cabinet Leader roles would focus on the economic development of the area. She responded that she was delighted to hear this and looked forward to engaging with this role. Councillor Paul Myers asked Ms Erickson to clarify if she was saying that support for business could sit alongside the Council's current priorities. She replied that she was absolutely saying that. Councillor June Player asked if there were any examples where Council could do more and Ms Erickson responded with the example of yoga classes in public spaces and difficulties with fee increases and cleanliness of public spaces. The Chair thanked Kari for her statement which would be referred to the relevant Cabinet Members.

Jane Riekemann spoke as a representative of Bath for Europe, a non-party aligned campaign group, about EU settled status and urging Councillors to do all they can to ensure all affected B&NES residents apply for this status before the deadline of June 30<sup>th</sup> 2021. A full copy of Ms Riekemann's statement is linked to the online minutes. Councillor Kevin Guy asked Ms Riekemann if she and Bath for Europe would like to meet him and Councillor Ruth Malloy, Member Advocate for such issues, again to discuss this matter further. She agreed that she would. The Chair thanked Ms Erickson for her statement which would be referred to the relevant Cabinet Members.

Bob Goodman made a statement to Council about environmental aspects. He welcomed the news that Tufa fields had been saved and was pleased to see that the Clean Air Zone had been introduced. He commented, however, that the signs on entering the city were confusing and not clear as to whether cars were included or not. He also criticised the parking charges for older vehicles. He commented on

issues regarding various specific sites and his view that proper consultation had not taken place. He commented that these issues were affecting tourism and business in the city and would result in worrying pollution levels near certain schools. He also asked about electric charging points that had been negotiated with Defra. Councillor Paul Myers asked Mr Goodman to clarify what he thinks the CAZ signs should say. He replied that they should clearly state that cars are exempt. The Chair thanked Mr Goodman for his statement which would be referred to the relevant Cabinet Members.

Martin Grixoni made a statement to Councillors about waste and recycling. He commented that if the Council made it more difficult to recycle, fly tipping rates increased. He cited statistics regarding annual incidences as evidence for this position. He also commented on the policy of charging for items such as plasterboard, rubble and tyres as contributing to the problem and shared some public comments supporting this view. He queried how the collection costs for fly tipping affected the savings target. He called upon Councillor Wood to rescind this policy. Councillor Paul Myers asked Mr Grixoni to clarify exactly why he considered charging such a disincentive, to which Mr Grixoni drew attention to the examples he had cited from elsewhere which showed what a problem it was and his own experience of seeing this. The Chair thanked Mr Grixoni for his statement which was referred to the relevant Cabinet Member.

### **13 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

Councillor Ruth Malloy made a statement regarding EU settled status, supporting the earlier comments from Jane Riekemann and calling on Councillors to help spread the word. A full copy of Councillor Malloy's statement is available linked to the online minutes. Councillor Kevin Guy asked Councillor Malloy if she would be happy to join discussion with him and Bath for Europe to which she replied that was happy to do so. Councillor Liz Hardman asked about measures to spread this message more widely, to which Councillor Malloy responded that a poster was available which she would be happy to send to all Councillors to distribute at the most appropriate places in their wards. The Chair thanked Councillor Malloy for her statement which would be addressed by the Cabinet Member.

Councillor Joanna Wright made a statement about the climate emergency, highlighting the urgent need for further action with a view to the longer term. A full copy of Councillor Wright's statement can be viewed linked to the online minutes. Councillor Shaun Hughes made reference to the Free tree giveaway initiative and asked how many trees the Liberal Democrats were planning to plant. Councillor Wright responded that she understood that the plan was for 100,000 in the next 4 years, but as 81,120 trees would be needed to offset 4000 car journeys in one area of Bath, clearly more trees were needed for any significant change. Councillor Robin Moss asked for clarification regarding the Active Travel scheme Councillor Wright had referenced in her statement, to which she replied that it had been Councillor Kevin Guy to whom she had been referring. The Chair thanked Councillor Wright for her statement which was referred to the relevant Cabinet Member.

The meeting ended at 8.45 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**